

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
JOSE RAFAEL URENA, :
:
Plaintiff, : ORDER
:
-against- : 09-CV-1107 (KAM)
:
ROBERT BEAUDOUIN, M.D., :
:
Defendant. :
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KIYO A. MATSUMOTO, United States District Judge:

Pro se plaintiff Jose Urena has filed a document he describes as a motion for summary judgment. (ECF No. 202.) The papers, however, seem to contain arguments he seeks to make against defendant's anticipated summary judgment motion, which will be served on him on or before December 16, 2013.

Furthermore, during the telephone promotion conference held on September 19, 2013, in which plaintiff participated, Mr. Urena did not indicate that he was seeking to file his own motion for summary judgment.

Therefore, plaintiff's letter motion is terminated without prejudice to renew if plaintiff does wish to move for summary judgment pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1. If the plaintiff does seek to file such a motion in addition to opposing defendant's motion, he shall promptly write a brief letter to the court to that effect. The

defendant is respectfully requested to serve a copy of this order on the plaintiff and to file proof of service with the court by tomorrow, November 7, 2013.

SO ORDERED.

Dated: November 6, 2013
Brooklyn, New York

_____/s/_____
KIYO A. MATSUMOTO
United States District Judge
Eastern District of New York